

JUSTICE AND PUBLIC SAFETY CABINET
Office of the Kentucky State Medical Examiner
(Amendment)

500 KAR 12:010. Duplicate records request fee schedule.

RELATES TO: KRS 72.210 - 72.280~~[72.255]~~

STATUTORY AUTHORITY: KRS 72.255, 72.260

NECESSITY, FUNCTION, AND CONFORMITY: KRS 72.260 authorizes the Justice and Public Safety Cabinet to establish a schedule of fees for issuing duplicate records from the Office of the Kentucky State Medical Examiner~~[s Office]~~ and provides that one (1) free copy of the records shall be provided to the coroner and either the county or Commonwealth's Attorney concerned. This administrative regulation establishes a fee schedule for the duplicate records.

Section 1. Definition. "Special stain" means a stain other than the routine~~[standard]~~ Hematoxylin and Eosin.

Section 2. Duplicate Records Fees. (1) Kodachromes shall be the cost charged by the third-party vendor. The Office of the Kentucky State Medical Examiner shall deliver the Kodachrome to a local vendor for processing if such facility is available. The requester may contact the Office of the Kentucky State Medical Examiner to request the current vendor for a Kodachrome~~[one (1) dollar each]~~.

(2) A compact disc (CD) containing a copy of one (1) or more digital photos shall be five (5) dollars per CD~~[Prints:~~

~~(a) Four (4) inch x six (6) inch prints shall be three (3) dollars each.~~

~~(b) Five (5) inch x seven (7) inch prints shall be five (5) dollars each.~~

~~(c) Eight (8) inch x ten (10) inch prints shall be seven (7) dollars each.]~~

(3) Glass histology slides shall be fifteen~~[twelve]~~ (15~~[12])~~ dollars per slide.

(4) A copy of a digital x-ray~~[X-rays]~~ shall be ten (10) dollars each.

(5) Written records shall be one (1) dollar per page.

(6) Special stains shall be fifty~~[forty]~~ (50~~[40])~~ dollars per slide.

(7) There shall be a twenty-five (25) dollar ~~[dollars processing and handling]~~ fee for retrieval, processing, and packaging of any laboratory specimen including histology specimens, DNA specimens, and tissues ~~[each special laboratory testing duplicate record request]~~.

Section 3. Procedure for Requesting Duplicate Records. To obtain duplicate records from the Medical Examiner's Office, a person shall:

(1) Provide a written request explaining the duplicate being requested in sufficient detail to identify the item to be duplicated or processed for outside testing as in the case of a DNA sample~~[Complete a "Commonwealth of Kentucky Medical Examiner duplicate Records Request" form];~~

(2) Enclose a check or money order made payable to the Kentucky State Treasurer for the amount of the records requested; and

(3) Submit the request ~~[form]~~ and payment to the Office of the Kentucky State Medical Examiner for the regional office that conducted the post-mortem examination at the following addresses:

(a) Louisville Regional Office: The Office of the Kentucky State Medical Examiner, Bingham Building 1st Floor, 10511 LaGrange Road, Louisville, Kentucky 40223;

(b) Frankfort Regional Office: The Office of the Kentucky State Medical Examiner, Central Lab, 100 Sower Boulevard, Suite 202, Frankfort, Kentucky 40601;

(c) Western Kentucky Regional Office: The Office of the Kentucky State Medical Examiner, 25 Brown Badgett Loop, Madisonville, Kentucky 42431; and

(d) Northern Kentucky Regional Office: The Office of the Kentucky State Medical Examiner, Bingham Building 1st Floor, 10511 LaGrange Road, Louisville, Kentucky 40223[appropriate regional Medical Examiner's Office].

~~Section 4. Incorporation by Reference. (1) "Commonwealth of Kentucky Medical Examiner Duplicate Records Request" form, (1/01 edition), Medical Examiner's Office, is incorporated by reference.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, Monday through Friday, 8 a.m. to 4:30 p.m. at:~~

~~(a) The Medical Examiner's Office, Urban Government Center, 810 Barrett Avenue, Louisville, Kentucky 40204; or~~

~~(b) The Medical Examiner's Office, Central Lab, 100 Sower Boulevard, Suite 202, Frankfort, Kentucky 40601.]~~

The Advisory Commission for Medical Examination established pursuant to KRS 72.225 has reviewed this administrative regulation at its meeting on July 8, 2021 prior to its filing with the Legislative Research Commission as required by KRS 72.255, 13A.120(3), and 13A.220(6)(a).

JUSTICE MARY C. NOBLE, Ret., Secretary

APPROVE BY AGENCY: July 8, 2021

FILED WITH LRC: July 12, 2021 at 1:36 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2021, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes a schedule of fees for issuing duplicate records of investigations, examinations, autopsies, and other records from the Office of the Kentucky State Medical Examiner (Medical Examiner).

(b) The necessity of this administrative regulation: This administrative regulation sets the fees authorized in KRS 72.260.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 72.255 authorizes promulgation of administrative regulations and KRS 72.260 authorizes a schedule of fees for issuing duplicate records of investigations, examinations, autopsies, and other records from the Medical Examiner.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will provide clear and concise information as to the costs of various duplicate records requested and the process for obtaining them.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment adjusts the fees in the schedule for the various records in compliance with KRS 72.260.

(b) The necessity of the amendment to this administrative regulation: The adjustment of the fees more closely aligns with the costs to the Medical Examiner for the duplicate copies.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 72.255 authorizes promulgation of administrative regulations and KRS 72.260 authorizes a schedule of fees for issuing duplicate records of investigations, examinations, autopsies, and other records from the Medical Examiner. The amendment revises the fees.

(d) How the amendment will assist in the effective administration of the statutes: The amendment revises the schedule of fees for issuing duplicate records of investigations, examinations, autopsies, and other records to address increases in cost.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects attorneys, family members of the deceased, law enforcement agencies, and insurance companies.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: They will be informed of the fee for each duplicate record requested from the Medical Examiner and the method to obtain them.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: The costs are stated in the fee schedule in the administrative regulation. The only other cost is to provide the written request and the payment of the fee to the Medical Examiner, which is expected to be minimal.

(c) As a result of compliance, what benefits will accrue to the entities: They will obtain duplicate copies of records.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No increase in cost is anticipated.

(b) On a continuing basis: No increase in cost is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Medical Examiner's budgeted funds for the biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The changes to the administrative regulation is an increase in fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Yes.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Medical Examiner and any other government agency that requests duplicate records will be impacted by this administrative regulation. The coroner and the County or Commonwealth's Attorney's office are provided a first copy free of charge.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 72.255, 72.260

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The administrative regulation will not generate revenue for any government entity other than the Medical Examiner. It is estimated that approximately \$5,000 will be generated for the Medical Examiner to cover the costs of the duplicate records.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The administrative regulation will not generate revenue for any government entity other than the Medical Examiner. It is estimated that approximately \$5,000 will be generated for the Medical Examiner to cover the costs of the duplicate records.

(c) How much will it cost to administer this program for the first year? No additional cost is anticipated.

(d) How much will it cost to administer this program for subsequent years? No additional cost is anticipated.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA